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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,132	02/09/2004	Alan J. Krebs	71189-1584	2131
20915	7590	09/10/2007		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER GRAHAM, GARY K	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,132	Applicant(s) KREBS, ALAN J.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-12 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 13-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040209</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-22, drawn to a cleaner, in the reply filed on 26 June 2007 is acknowledged. The traversal is on the ground(s) that applicant believes the claims 1-22 set forth an invention that does include heating a thermal body and initiating a thermal reaction and that therefore the groups 1 and 2 should be examined together. This is not found persuasive because heating the thermal body has not been positively claimed in the product claims and is not required for their use. The floor cleaner and hard surface cleaner claims set forth a thermal body that is "adapted" to store thermal energy and to release the stored energy over an extended period of time. There is no requirement that the floor cleaner or hard surface cleaner be heated to be used or that they be involved in an exothermic reaction to be used. They can be used without the heating. Further, the search and examination of both the subject matter of claims 1-22 and 23-24 would involve a burden on the office.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-12, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan (US patent 4,971,471).

The patent to Sloan discloses the invention as is claimed (fig.3). Sloan discloses a floor cleaner comprising a cleaning head (16) removably and pivotally attached to an upright handle (54) via joint (58), a cleaning implement (40 or 46) associated with the cleaning head and a resilient thermal storage body (18 or 36) removably associated with the cleaning head and adjacent the cleaning implement. Cleaning fluid or wax passes through the body (18 or 36) and then through the cleaning implement (40 or 46). Thus thermal energy that passes into the body (18 or 36) will be released to the cleaning implement. As such, the body (18 or 36) is considered to be “adapted” to store thermal energy and to release the stored thermal energy over time, as is claimed. In other words, if heated fluid is passed into the body (18 or 36), the thermal energy associated therewith will be released to the cleaning implement as is claimed, nothing would prevent such. Therefore, the body is adapted to store and release the energy as far as is claimed.

With respect to claim 9, the body (18,36) can be placed in a heating device when such is removed from the handle. Nothing would prevent such.

With respect to claim 12, note that the cleaning fluid passing through the body (18) is microwave active and the body is encapsulated by pad (36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan (US patent 4,971,471).

The patent to Sloan discloses the invention substantially as is claimed, as set forth above, with the exception of the thermal storage body comprising a gel.

While Sloan discloses that liquid cleaning substance can be used which would pass through the thermal body (36), to employ a gel cleaning substance does not appear inventive. Cleaning substances in both liquid form and gel form are well known. As such, it would have been obvious to one of skill in the art to employ a gel cleaning substance instead of a liquid cleaning substance for that of Sloan, as a mere art recognized equivalent cleaning substance form, lacking any criticality of the cleaning substance form. In other words, employing a gel instead of a liquid does not appear of patentable significance.

Art Unit: 1744

Allowable Subject Matter

Claims 2-5 and 13-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary K. Graham', is positioned above the printed name.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
04 September 2007